

Report PDR-PCD-25-14

To: Chair Wright and Members of the Planning and Community Development Committee
From: Alisha Buitenhuis, Planner
Meeting Date: July 22, 2014
Subject: **42-07-060-OPA-125 Von Westerholt Farms Ltd. and Lavolit Ltd. Merit Report**
Status: Recommendation adopted by Committee per Resolution PCD87-14; Endorsed by County Council August 5, 2014 per Resolution CC115-14; See also Addendum to PDR-PCD-25-14 from February 17, 2015;

Recommendation(s)

THAT Report PDR-PCD-25-14 regarding a proposed County Official Plan Amendment be received;

AND THAT the proposal proceed to a Public Meeting to consider the Amendment to the County of Grey Official Plan to re-designate the subject lands from 'Rural' to 'Rural with Exception' for the lands described as Lot 19 and Part Lot 20, Concession 1, geographic Township of Egremont, in the Township of Southgate, provided the Township of Southgate is prepared to hold a joint public meeting in consideration of the necessary Zoning By-law Amendment requirements.

Background

The County of Grey has received an application to amend the County Official Plan to allow for the severance of a dwelling from a lot that has been previously, and accidentally, merged on title. The merged lot contains two residences. The reason for the application is that the maximum permitted density for the original lot and concession has been exceeded. Further, lot creation within an Aggregate Resource Area is not permitted by the County Official Plan, and Minimum Distance Separation requirements would not be met by the proposed severance.

The subject property is approximately 197 acres in area and is legally described as Lot 19 and Part of Lot 20, Concession 1, geographic Township of Egremont in the

Township of Southgate. The property contains two dwellings, multiple barns and silos, and a large pond. The majority of the subject lands are currently farmed.

The subject property is located south east of the intersection of Highway 6 and Grey Road 9, approximately 1.39 kilometres west of Holstein. The surrounding area consists of mostly farm uses, but there are a few non-farm residential uses to the south of the subject lands. Much of the lands surrounding the property are designated as Agricultural, Rural, and Hazard Lands, with Space Extensive Commercial and Industrial designations across Highway 6.

Cuesta Planning Consultants Inc. has submitted a Planning Justification Report in support of the proposed amendment. No other reports or studies were deemed necessary at the time of pre-submission consultation.

A Municipal Zoning By-law Amendment and Consent Application will be required from the Township of Southgate.

Map 1 – Location of Subject Lands



Analysis of Planning Issues

Planning authorities must have regard to matters of Provincial Interest, the criteria of the *Planning Act* and be consistent with the Provincial Policy Statement (PPS). Decisions must also conform to the County of Grey Official Plan and any Municipal Official Plans which are in force and effect.

Section 2 of the *Planning Act* sets out matters of Provincial Interest, which all land use decisions shall have regard for. Subsection (b), '*the protection of the agricultural resources of the Province*', and Subsection (c), '*the conservation and management of natural resources and the mineral resource base*', are the most applicable to this application.

Section 1.1.5.4 of the PPS encourages development that is compatible with the rural landscape and can be sustained by rural service levels. Section 1.1.5.9 requires that new lots in rural areas comply with the minimum distance separation formulae. Section 2.4.1 requires that minerals and petroleum resources be protected for long-term use.

Section 2.3.4(2) of the County Official Plan allows for the creation of two lots plus the retained lot per 40 hectares in the Rural designation. Lot density is determined based on the original Township lot fabric and is pro-rated up or down based on the size of the original Township lot. Section 2.3.4(7) does not allow for non-farm lot creation within an Aggregate Resource Area, and Section 2.3.3(b) requires that the minimum distance separation formulae be met by new non-farm uses in the Rural designation.

The original Township lot was established as a 60 hectare parcel, and currently exists as two 20 hectare parcels, three residential parcels, and part of a 38 hectare parcel. Therefore, the permitted lot density has been exceeded. Further, the lands proposed to be severed are within an Aggregate Resource Area and located directly across the road from a livestock farming operation.

Section 6.3 of the County Official Plan contemplates amendments to the plan, provided that the criteria of the relevant sections of the Plan can be addressed. Protecting farm operations and aggregate resource areas from incompatible uses are two of the major objectives of the Plan, as is maintaining an appropriate density of residential uses in the Rural designation.

The applicant has submitted a Planning Justification Report to address Provincial and Municipal land use policy.

Financial / Staffing / Legal / Information Technology

Considerations

There are no expected financial, staffing or legal considerations beyond those normally encountered in procession an Official Plan Amendment application. The County has received an amendment application fee and peer review deposit with the file.

Link to Strategic Goals / Priorities

The subject application is a private development application. The processing of such applications in a timely and efficient manner would fall under the Planning department's core business mandate.

This development application should have no direct impact on the County's ability to achieve corporate strategic goals and priorities.

Respectfully submitted by,

Alisha Buitenhuis
Planner

Director Sign Off: *Randy Scherzer*